

**AUG 16 2001**

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

**FILED**

STATE OF NEBRASKA	)	
DEPARTMENT OF INSURANCE,	)	
	)	FINDINGS OF FACT,
PETITIONER,	)	CONCLUSIONS OF LAW,
	)	RECOMMENDED ORDER AND
VS.	)	ORDER
	)	
JASON POSTON,	)	
	)	CAUSE NO. A- 1436
	)	
RESPONDENT.	)	

This matter came for hearing on the 31st day of July 2001, before Eric Dunning, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Manuel Montelongo. Jason Poston ("Respondent"), was not present and was not represented by an attorney. The Rules of Evidence were not requested, and the hearing was governed accordingly. The proceedings were tape recorded by Stacey Bellefeuille, a licensed Notary Public. Evidence was introduced, and the matter was taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent is a licensed nonresident Nebraska insurance agent whose current registered address with the Department is 8450 Hickman, Suite 20-A, Clive, Iowa 50325 as evidenced by Exhibit 4.
2. The Department is the agency of the State of Nebraska charged with licensing insurance agents and brokers.
3. On or about June 26, 2001, the Petition and Notice of Hearing were served upon the Respondent by mailing the same to his address of record by certified mail, return receipt requested,

as evidenced by Exhibit 5. They were returned to the Department on or about July 13, 2001, as not deliverable with "Not at this address" written on it and also stamped "Attempted – Not Known" on it as evidenced by Exhibit 5.

4. The petition alleged that Respondent violated Neb.Rev.Stat. §44-4028(5), (6), and (11) as follows:

- a. On or about March 18, 1999, Respondent solicited Karen Carlson's application for an association group plan underwritten by American National Life Insurance Company of Texas. Karen Carlson's husband, Darin Carlson, was not available on March 18, 1999, so Respondent allowed Karen Carlson to forge her husband's signature on the application form. Respondent failed to advise American National Life Insurance Company of Texas that Darin Carlson's signature was not authentic. The insurance policy was issued but later rescinded for misrepresentation.

5. Respondent allowed Karen Carlson to forge her husband's signature in Respondent's presence, as evidenced by Exhibits 1 and 3, thereby fraudulently procuring a forged signature to an insurance application, knowing such signature to be forged.

6. Respondent failed to inquire of Darin Carlson regarding his insurance application, as evidenced by Exhibit 3, thereby Respondent knowingly and willfully permitted a false or fraudulent statement or misrepresentation in or relative to an application for a policy of insurance.

#### CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to Neb.Rev.Stat. §44-101.01 and §44-4001 et seq.

2. The Department has personal jurisdiction over Respondent.

3. The Respondent violated Neb.Rev.Stat. §44-4028(5) as a result of the conduct set forth in paragraph 5 of the Findings of Fact.

4. Respondent violated Neb.Rev.Stat. §44-4028(6) as a result of the conduct set forth in paragraph 6 of the Findings of Fact.

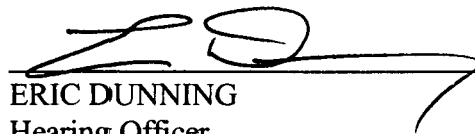
RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that:

1. Respondent shall be fined one thousand dollars;
2. Respondent's nonresident insurance license shall be suspended; and
3. Respondent's license shall not reinstated or renewed until the fine is paid.

Dated this 2nd day of August, 2001.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE


  
ERIC DUNNING  
Hearing Officer

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska Department of Insurance v. Jason Poston, Cause No. A-1436.

Dated this 16th day of August, 2001.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE

  
L. TIM WAGNER  
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Respondent by mailing a copy to Respondent at by certified mail, return receipt requested, on this 11th day of August, 2001.

Stacy M. Bulfinch